

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBINSON BROG LEINWAND GREENE
GENOVESE & GLUCK P.C.,
Plaintiff,

v.

JOHN M. O'QUINN & ASSOCIATES,
L.L.C. d/b/a THE O'QUINN LAW FIRM,
Defendant.

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Civil Action No. 1:11-cv-02730 (LLS)

**DEFENDANT JOHN M. O'QUINN & ASSOCIATES, PLLC'S
NOTICE OF MOTION TO DISMISS PURSUANT TO FEDERAL RULE OF CIVIL
PROCEDURE 12(b)(1) FOR LACK OF SUBJECT MATTER JURISDICTION,
OR IN THE ALTERNATIVE, TO DISMISS PROCEEDINGS PENDING ARBITRATION**

PLEASE TAKE NOTICE that pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, and upon the accompanying memorandum of law and the Affidavit of Evan Mandel, Defendant John M. O'Quinn & Associates, PLLC d/b/a The O'Quinn Law Firm ("O'Quinn Law Firm") by and through its undersigned counsel, respectfully requests that all claims and causes of action in the above styled cause be dismissed with prejudice for lack of subject matter jurisdiction over the O'Quinn Law Firm, or in the alternative, that the Court dismiss the proceedings pending arbitration. The O'Quinn Law Firm also requests any other, further, or alternative relief to which it may be legally or equitably entitled.

DATED: June 28, 2011

Respectfully submitted,

MANDEL BHANDARI LLP

By: /s/ Evan Mandel

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served on all counsel of record in accordance with the Federal Rules of Civil Procedure, on this 28th day of June, 2011, as follows:

Mr. Alan M. Pollack
ROBINSON BROG LEINWAND
GREENE GENOVESE & GLUCK P.C.
875 Third Avenue
New York, New York 10022

Via ECF

/s/ Evan Mandel

Evan Mandel